

**AGENDA
CITY OF FAYETTEVILLE
ZONING COMMISSION
COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
ELECTRONIC/ZOOM MEETINGS
AUGUST 11, 2020 @ 6:00 P.M.**

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1ST FLOOR, CITY HALL
ELECTRONIC/ZOOM MEETINGS
AUGUST 11, 2020 @ 6:00 P.M.**

I. APPROVAL OF AGENDA

II. INTRODUCTION OF COMMISSION MEMBERS

III. APPROVAL OF MINUTES FROM JULY 21, 2020, MEETING

IV. PUBLIC HEARINGS

VARIANCE(S) / SPECIAL USE PERMIT(S) / REZONING(S):

A20-17F. Request to issue a variance reduction in the required side setback from 15-feet to 5-feet thus allowing the construction of a two-car carport/garage, located at 409 Devane Street (Tax Map # 0427-83-3502) and being the property of Jack and Daphne Mellott. **This case has been postponed.**
(Hadley Joseph)

A20-21F. Request to issue a variance for the construction of an accessory building that will be larger than the current UDO permits, located at 6884 Family Street. (Tax Map # 9497-65-7295) and being the property of Jordan & Sue Ann Jones. (Hadley Joseph)

P20-26F. The request is for a Special Use Permit to allow the construction of a four unit townhome, zoned as Single-Family 6 (SF-6), located at 600 & 602 Roxie Avenue (Tax Map # 0416-78-5714 & 0416-78-5616), totaling .48 acres ± and being the property of Wayside Investments, LLC, represented by Scott Brown. (Jennifer Baptiste)

P20-28F. The request to issue a Special Use Permit on property zoned Community Commercial (CC), located at 4800 & 4802 Murchison Road (Tax Map # (0429-33-2524, 0429-33-2447 & 0429-33-3405), near the intersection of Murchison and Bowden Road, containing 1.15 acres ± and being the property of Steven McBride, represented by Henry Tyson, Tyson Commercial Real Estate. (Craig Harmon)

P20-25F. The request to rezone property from Single-Family 6 (SF-6) and Neighborhood Commercial (NC) to Mixed Residential (MR-5), located on Cliffdale Road (Tax Map # 9487-47-7123 & 9487-36-6817), near the intersection of Cliffdale and Braybrooke Place, containing 30.98 acres ± and being the property of Joe Riddle K&JS Properties, LLC and TPGM Properties, LLC, represented by Lori Epler of Larry King & Assoc. (Craig Harmon)

P20-27F. Rezoning of an existing apartment complex from Single-Family 10 (SF-10) to Mixed Residential 5 (MR-5), located off McArthur Road, (Tax Map# 0439-39-0892) totaling 33.27 acres ± and being the property of Aspen Point, LLC; Crystal Lake apartments, LLC, represented by Lori Epler.
(Jennifer Baptiste)

V. OTHER BUSINESS

VI. ADJOURNMENT

Please be advised that the City of Fayetteville Zoning Commission will conclude its meeting at 10:00 p.m. or after all business is completed, whichever comes first. If the Zoning Commission is in the midst of a case at 10:00 p.m., it is our intention to finish that case before adjournment. Cases yet to be heard will be continued to a date certain. Thank you for keeping your comments brief.

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
COUNCIL CHAMBERS
July 14, 2020 @ 6:00 P.M.**

MEMBERS PRESENT

Kevin Hight, Chair
David Baran, Vice Chair
Willie Dorman Jr.
Roger Shah
Dinnen Morton

STAFF PRESENT

Taurus Freeman, Planning & Zoning Division Manager
Jennifer C. Baptiste, Senior Planner
Craig Harmon, Planner II
Hadley Joseph, Planner II
Heather Eckhert, Zoning Administrator
Lisa Harper, Assistant City Attorney
Catina Evans, Office Assistant II

The July 14, 2020, Zoning Commission Meeting was called to order by Chairman Kevin Hight at 6:02 p.m. Mr. Hight asked each member to announce themselves and state if they had any conflicts. Each member confirmed they did not have a conflict. Mr. Hight stated that if anyone wanted to speak they had to be sworn in and speakers were sworn in by Taurus Freeman.

Mr. Hight requested a motion to amend the agenda and postpone case P20-17F until August 11, 2020.

I. APPROVAL OF AGENDA

MOTION: David Baran made a motion to amend the agenda and postpone case P20-17F.
SECOND: Willie Dorman Jr.
VOTE: Unanimous (5-0)

MOTION: David Baran made a motion to approve the agenda.
SECOND: Willie Dorman Jr.
VOTE: Unanimous (5-0)

II. MINUTES FOR MARCH 10, 2020, MEETING

MOTION: David Baran made a motion approve the minutes from the March 10, 2020, meeting.
SECOND: Roger Shah
VOTE: Unanimous (5-0)

III. PUBLIC HEARINGS

The Zoning Commission is charged with the review of applications for rezoning, conditional rezoning, variances, and special use permits. We review according to standards put forth in the unified development ordinance and ultimately make recommendations to the city council. The burden of demonstrating that an application complies with applicable standards is on the applicants. Our job is to listen to the testimony from both sides, be objective and fair at all times. Ultimately our goal is to preserve the character and integrity of our neighborhoods. The findings of tonight's hearings will be voted upon by this commission, and the result and recommendations passed on to the city council. The extent of which any person feels aggrieved or hurt by our

recommendation, they have the right to appeal to the city council, within 10 days of the recommendation. With respect to your presentation each side has a total of 15 minutes to present their case either for or against the applicant's request. However, this rule does not apply to Special Use Permits. The clock you see to your left will monitor the amount of time you are using. The time used in responding to questions asked by the commission will not be counted against you. The Special Use Permit process and the Variance process are Quasi-Judicial processes so those testifying will not have a time limit and will be sworn in.

This hearing is a public hearing. The written comments regarding this case will that were submitted prior to this meeting on will be considered by the Commission. The public hearing will remain open for 24 hours after the case has been heard to allow for the submission of written comments. Anyone wishing to provide written comments may do so during this time. At the expiration of this 24 hour period the public hearing will be closed. All submitted comments will be forwarded to the City Council for consideration along with the Board's recommendation. Written comments should be sent by email to the Planning Division at tfreeman@ci.fay.nc.us.

P20-016F. Jennifer Baptiste presented a request for a variance to reduce the front yard setback from 50 feet to 39 feet. The property is located at 2828 Enterprise Avenue which is east of Owen Drive and south of Eldorado Road. Heavy Industrial zoning is all along Enterprise Avenue to the west, Light Industrial to the east, and Single Family 10 (SF-10) is located to the north. Based on the 2040 Land Use Map, this area should be developed for light industrial to high industrial use. When the site was developed in 1978, it was in compliance with the standards of that time. In 2013, the current owners purchased the property "as-is." The owner requested a variance to reconstruct a building on the footprint of the previous building that was deemed uninhabitable due to fire damage.

Staff recommended approval of the request based on the following:

- This property has a significant rear slope in the northwest corner;
- The property has an existing tree line buffer that protects the residential neighborhood to the north;
- The property owner purchased the building built to the development code in existence at the time and did not subdivide the property to create the hardship;
- This proposed change is in accordance with the existing and proposed plans for the area; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Ms. Baptiste asked if there were any questions for the staff. With there being no questions, Hight opened up the floor for speakers.

Speakers in favor were as follows:

George Rose, Site Engineer, P.O. Box 53441, Fayetteville, NC, 28305

Mr. Rose stated that a fire occurred on the property in November 2019, and the owners is requesting the variance to be able to build on the original building foundation.

Mr. Hight asked if there were any questions for Mr. Rose. There were no questions. Mr. Hight inquired if there were any more speakers in favor of the case and there were no further speakers.

Mr. Hight asked for a motion to vote on P20-16F.

MOTION: Roger Shah made a motion to approve the request for the variance based on the following findings:

- 1. There is sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:** The slope of the property to the northwest corner as well as the soil type located in the rear of the property minimizes the ability of the owner to reconstruct the building in this area. In addition, the relocation of the building could cause the natural tree line buffer to be reduced and exposure of the neighboring residential to the heavy industrial use.
- 2. There is sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:** The property owner did not subdivide the property, but purchased the property as built by the original developer. Since purchase, the owner has not altered the site to increase the nonconformity of the site.
- 3. There is sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:** A Variance is requested by the owner to reduce the front setback from 50-feet to 39-feet to allow the reconstruction of the building. The alternative would be to require the owner to meet the setbacks as documented in the UDO.
- 4. There is sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:** The development is consistent with the area and is in harmony with the general purpose and intent of this Ordinance. Since the building was located on the site prior to the UDO and the overall area is heavy commercial/industrial, this use is not out of character with the immediate area.
- 5. There is sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:** There is no evidence that the granting of this variance would harm the public safety, welfare, and substantial justice would be insured.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

Mr. Hight opened up the hearing for case P20-22F.

P20-22F. Craig Harmon presented a request to initially rezone property from Commercial with Plan (CP) to Community Commercial (CC). The property located on Ramsey Street is near Kelly Springfield and the Good Year Tire Plant. According to the 2040 Land Use Plan, the area should be zoned a Community Center.

Staff recommends approval of the map amendment to CC based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance and 2040 Future Land Use Plan and Map. This district type is intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and

services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses and;

- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning, uses surrounding this property and the recommendations of the 2040 Future Land Use Plan; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Mr. Hight asked if there were any questions for the staff and there were none. He then asked for speakers to come forth.

Speakers in favor:

Steve Oliverio, Bartlett Engineering and Survey, 1906 Nash Street North, Wilson, NC 27893

Mr. Oliverio stated that he represents the land owner Nina Dave who owns several pain treatment centers in North Carolina. The initial development contains her treatment center. Mr. Hight asked if there were any questions for the speaker. Since there were none, Mr. Hight closed the hearing for case P20-22F and requested a motion.

MOTION: Roger Shah made a motion to approve the request to rezone the property from Commercial with Plan (CP) to Community Commercial (CC).

SECOND: David Baran

VOTE: Unanimous (5-0)

P20-23F. Craig Harmon presented a request to rezone property located at 4643 Yadkin Road from Single Family Residential 6 (SF-6) to Community Commercial (CC). The applicant wants to add .23 acres to the CC zoned portion of the property in order to expand the current business. The front portion of the property is already zoned CC. According to the Future Land Use Map, the area is part of a regional commercial center. The business is currently an auto sales business. There is a strip center to the east, a gas station to the west and a gun shop across the street from the property.

Staff recommend approval of the rezoning of the property to CC based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance and 2040 Future Land Use Plan and Map. This district type is intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses. and;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning, uses surrounding this property and the recommendations of the 2040 Future Land Use Plan; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Mr. Shah inquired if the applicant was desiring to rezone additional land besides the .23 acres. Mr. Harmon noted that the applicant is only desiring to rezone the requested portion of land.

Speakers in favor:

George Turner, Turner Realty, 1300-C Pamalee Dr, Fayetteville, NC 28303

Mr. George Turner noted that the owner of the property owns two adjacent tracks to the west. A tenant on the property who owns a car lot wants to add a building on the back to protect his employees when they detail cars. Turner stated that the property had been used for commercial purposes for as long as he can recall.

Mr. Hight asked if there were any additional questions for the speakers and it was noted that there were no further questions. Therefore, Mr. Hight closed the hearing for P20-23F and requested a motion from the board.

MOTION: David Baran made a motion to approve the rezoning request for P20-23F.

SECOND: Willie Dorman Jr.

VOTE: Unanimous (5-0)

P20-012F. Jennifer Baptiste presented a request to rezone property located on Candlelight Drive off Kenwood Drive and on Arbor Drive from Single Family 6 (SF-6), Single Family 10 (SF-10) and Limited Commercial to Mixed Residential 5 (MR-5). This property, located near Stacey Weaver to the south and Ramsey Street to the east, should be developed as Medium Density Residential as shown in the 2040 Land Use Plan Map. The area that is requested for rezoning is currently undeveloped. Candlewick Townhomes were previously approved on that property in 2005 for 112 units, and from 2006 to 2007 18 units were completed in the neighborhood. In 2019 the owner developed a new proposal for the construction of townhome apartments. Baptiste noted that this is a proposed plan and the owners could decide to build a different structure on the property once approved by the Commission.

The planning staff recommends approval of the rezoning of this land based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance. This district type is intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four- family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Ms. Baptiste asked if there were questions and it was noted that the applicant would present along with speakers in favor of and in opposition to the case. Ms. Baptiste submitted written comments to the Commission as well.

Speakers in favor:

Mr. Richard Collier, 243 North Front Street, Wilmington, NC 28401

Mr. Richard Collier noted that they requested the MR-5 zoning in order to build Kenwood Apartments, but this would not affect the surrounding communities. He stated that due to resident concerns, there would be an emergency exit next to the bowling alley and three ways for emergency vehicles to get onto the property. Furthermore, they met with Candlewick Homeowners Association on February 18, 2020, to address their concerns. The residents voiced opposition to sharing a common entrance. Therefore, they will have a separate entrance that is not joined to the Candlewick community with signage only appearing at the Kenwood entrance. Furthermore, a locked gate will be installed on the Candlewick side to eliminate any traffic. Additionally, the residents had concerns about the community building and playground being too close to Candlewick, creating noise and confusion as to who can utilize the area. The owners moved the community center to a separate parcel and put a residential building between the community and Candlewick Townhomes. The applicants have also moved a dumpster that would have been positioned too close to the neighborhood, and they have devised a privacy fence to separate their property from Candlewick.

Mr. Roger Shah inquired if they could change the plans but Mr. Collier stated that they had invested a lot of money into the project and would not be changing the plans.

Joel Gilland, 13816 Professional Center Dr., Ste. 200, Huntersville, NC 283401

Mr. Joel Gilland stated that they presented plans that they do not intend to change. Mr. Hight asked if there were questions for him and there were none.

Steve O'Connor, Attorney, 305 Troll Court, Fayetteville, NC 28303

Mr. O'Connor stated that changes were made in the plan to accommodate the concerns of the community. He added that the applicants met with the homeowners with concerns that Collier addressed in his presentation. O'Connor noted that the residents were concerned about the affordable housing that would be built in the neighborhood. He stated that they scheduled a meeting last week with the existing homeowners which was postponed by the residents. Mr. O'Connor said that the number of townhomes that would be built would not affect or over burden the schools.

Speakers in opposition:

Wilma Leinonen, 2919 Candlelight Drive, Fayetteville, NC 28311

Ms. Wilma Leinonen stated that there are parts of the land that are owned by the homeowners. According to Leinonen, the applicants need to find out who owns .33 acres of land before it can be rezoned. Leinonen stated that the rezoning would violate the goals of the Unified Development Ordinance. Furthermore, she said that there is not enough land to accommodate the 112 units that would be built on the property. Leinonen expressed that adding the proposed 120 parking spaces would increase the vehicular traffic in the area.

Shawn-Marie McLaughlin, 3070 Candlelight Drive, Fayetteville, NC 28311

Ms. Shawn-Marie McLaughlin is opposed to the rezoning of the property because lots 20-54 have not been legally separated from the Candlewick Homeowners Association. Residents want to protect their investments. She stated that their welfare has not been taken into consideration, and the proposed plans were changed from the original ones (building a townhome development) presented to the homeowners.

Paula Agee (Stevens), 5316 Amber Hill Court, Fayetteville, NC 28311

Ms. Paula Agee stated that there was no consideration taken for the homeowners when this plan was proposed by the property owner. No one talked to them about the rezoning, and the first time she heard about the case was when she received the letter concerning the Zoning Commission Meeting.

Frank Johnson, 5366 Amber Hill Court, Fayetteville, NC 28311

Mr. Frank Johnson stated that the development would be directly on his property line and affect his property value. He state that the residents were originally promised a town home development and now they are presented with something different. Mr. Johnson stated that rezoning the property in order to build town homes is not a good idea because he does not see that the land would support the number of buildings proposed.

Daniel Alger, 3055 Candlelight, Fayetteville, NC 58311

Mr. Daniel Alger stated that the proposed plan is not the one that the residents were promised (the construction of townhomes and not apartments). Mr. Alger was concerned about how the proposed zoning would affect the property values in the neighborhood. He noted that the current value of the homes is lower than when they were previously built in 2008.

After everyone had spoken, Mr. Hight closed the hearing for P20-12F and requested a motion from the Commission.

MOTION: Roger Shah made a motion to deny P20-12F the rezoning of SF-10 to MR-5.

SECOND: Willie Dorman Jr.

VOTE: Unanimous (5-0)

IV. OTHER BUSINESS

Mr. Taurus Freeman stated that seven cases are up for review in August by the Zoning Commission. Willie Dorman and David Baran will not be present for the meeting August 11. Mr. Hight noted that the Board would not be able to hear and approve a variance with less than five members present unless the Board votes unanimously for the variance. It would be up to the applicant to choose to present their case before the Commission.

V. ADJOURNMENT

MOTION: David Baran moved to adjourn the meeting.

SECOND: Kevin Hight

VOTE: Unanimously (5-0)

The July 14, 2020, meeting adjourned at 7:59 p.m.

Respectfully submitted by Catina Evans

A20-17F. Request to issue a variance reduction in the required side setback from 15-feet to 5-feet thus allowing the construction of a two car carport/garage, located at 409 Devane Street (Tax Map # 0427-83-3502) and being the property of Jack and Daphne Mellott. **The applicant requested postponement of this case.** (Hadley Joseph)

A20-21F. Request to issue a variance for the construction of an accessory building that will be larger than the current UDO permits, located at 6884 Family Street. (Tax Map # 9497-65-7295) and being the property of Jordan & Sue Ann Jones. (Hadley Joseph)

ZONING COMMISSION

STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Hadley K. Joseph, MLA – Planner II

DATE: August 11, 2020

RE:

A20-21F: Request to issue a variance for the construction of an accessory building that will be larger than the current Unified Development Ordinance (UDO) permits, located at 6884 Family Street. (Tax Map # 9497-65-7295) and the property of Jordan & Sue Ann Jones.

Council District:
7 – Larry Wright

30.2. C.14 Variance:

The purpose of a Variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by Variance.

Background:

Owner: Jordan & Sue Anna Jones

Applicant: Wyman Nichols

Requested Action: Request to issue a variance for the construction of an accessory building that will be larger than the current UDO permits.

Zoning District: Single-Family Residential 10 (SF-10)

Property Addresses: 6884 Family Street

Size: 2.96 acres ±

Existing Land Use: Single Family Residential

Surrounding Land Uses and Zoning

- North – SF-10: Single Family Residential

- East – SF-10 & MR-5: Single Family Residential & Vacant
- South – SF-6 & SF-10: Single Family Residential
- West – SF-10: Single Family Residential

Letters Mailed: 36

The City's UDO Section 30-3.D.3. Single-Family Residential 10 (SF-10) District

Article 30-3: Zoning Districts

30-3.D. Residential Base Zoning Districts

30-3.D.3. Single-Family Residential 10 (SF-10) District

SF-10 SINGLE-FAMILY RESIDENTIAL 10 DISTRICT	PURPOSE				
	The Single-Family Residential 10 (SF-10) District is established to accommodate principally single-family detached residential development at low densities, and to accommodate flexibly-designed residential development that provides variable housing types and arrangements that respond to environmental and site conditions. Uses within the district are subject to the design standards in Article 30-5: Development Standards. The district accommodates two- to four-family dwellings designed to appear as single-family detached homes and zero lot line development subject to the requirements of this Ordinance. District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, minor utilities, accessory dwellings of up to 800 square feet in size, schools, and places of worship.				
DIMENSIONAL STANDARDS					
DIMENSIONAL STANDARD	SINGLE- FAMILY DETACHED DWELLINGS	SINGLE- FAMILY ATTACHED DWELLINGS	TWO- TO FOUR- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area per unit, min. (sq. ft.)	10,000	9,000	7,500	10,000	n/a
Lot width, min. (ft.)	75				n/a
Lot coverage, max. (% of lot area)	30				[2]
Height, max. (ft.)	35				25; 15 where abutting a single- family district or use and the setback is less than 10'
Front and corner side setback, min. (ft.) [3]	30 feet or 55 feet from centerline of private streets				Not allowed in front, side, or corner side setbacks
Side setback, min. (ft.) [3]	10				
Rear setback, min. (ft.) [3]	35; 20' when corner side setback is 30' or more				5
Spacing between buildings, min. (ft.)	n/a	20			5
Zero lot line development standards	Zero lot line development shall comply with the maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [4]				

NOTES:

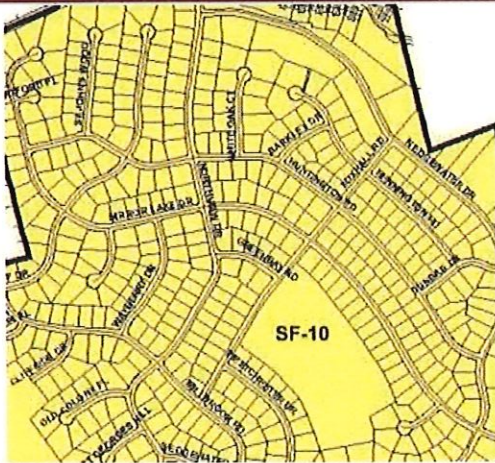
[1] (Reserved).

[2] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed the lesser of 1500 square feet in size or the size of the principal structure, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage.

[3] Minimum setbacks for all other principal uses shall be increased by five feet for all building walls 25 feet or more above grade.

[4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

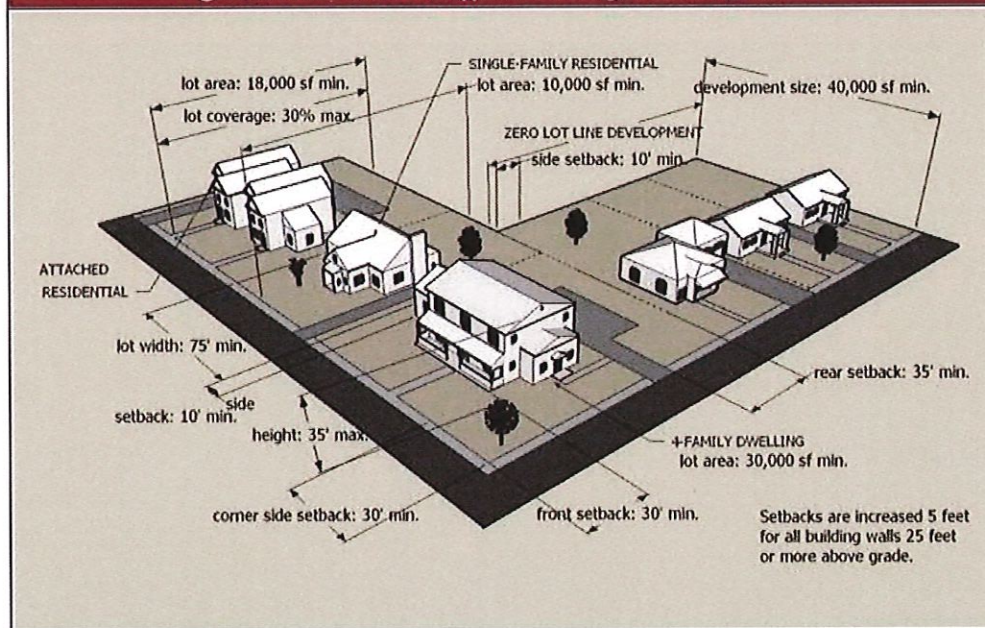
**Figure 30-3.D.3.a:
SF-10 Typical Lot Pattern**



**Figure 30-3.D.3.b:
SF-10 Typical Building Form**



Figure 30-3.D.3.c: SF-10 Typical Building/Lot Configuration



(Ord. No. S2011-014, § 1.2, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.1, 1-23-2012; Ord. No. S2012-025, § 9, 11-13-2012; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2014-005, § 3, 1-27-2014; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2015-008, § 4, 8-10-2015)

Issues:

The applicant is seeking a variance to construct a 60'x40' (2400 sq.ft.) accessory building, in the SF-10 zoning district. The structure would be larger than what is allowed by the UDO. According to the the applicant, the structure will be used to store and maintain antique automobiles owned by the property owner. In the SF-10 zoning district, accessory buildings are allowed to be a total of 1,500 sq.ft. This maximum size is not a per building standard, but the total allowed on any one property.

The subject property is 2.96 acres \pm in size. The property located at the intersection of 71st School Road and Family Street, which is subject to a 30% maximum lot coverage for principal structures. There are two single-family structures on the site. One house is located to the western corner of the property. The other is located near the center of the lot. The lot already has four accessory buildings.

The property is flat with very little change in topography, as are all the other surrounding properties. The property was developed in 1978, which was before the adoption of the Unified Development Ordinance (UDO) in 2011. The site is a legal, non-conforming lot because it contains two primary structures on the property.

The development standards for the Single-Family Residential 10 (SF-10) District, requires that accessory structures shall not exceed 1,500 square feet, or be greater than the size of a principal structure. In cases where an accessory structure is greater than 700 square feet, said structure must be set back an additional five feet from any lot line. The property was last purchased by its current owners in 1987. The now 2.96-acre \pm property however was created by combining seven smaller parcels.

There is no hardship in this case caused by the current UDO.

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

1. The siting of other nonconforming or conforming uses of land or structures in the same or other districts;
2. The request for a particular use expressly, or by inference, prohibited in the district; or
3. Economic hardship or the fact that property may be utilized more profitably with a Variance.

Subsequent Development

The minimum lot size for the SF-10 Zoning district is 10,000 square feet. This lot was previously seven smaller properties and subsequently combined by its current owners. This combination created a 2.96-acre \pm . The lot exceeds the minimum required square footage for the zoning district. The applicant intends to build an accessory building. The approximate square footage of the structure will be 2,400 square feet (40'x60').

Planning Staff recommends DENIAL of the variance to allow the construction of an accessory building larger than permitted by the UDO.

The following findings by the Planning Staff are based on the initial review, analysis, and best available information of the proposal without the benefit of testimony provided at the public hearing.

Findings of Fact Statements as reviewed by the Planning Staff:

1. **There is sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:**

There is no evidence that the strict application of the ordinance requirements results in practical difficulties and unnecessary hardships.

2. **There is sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:**

There is no evidence of any practical difficulties or unnecessary hardships resulting from unique circumstances related to the land. The property is flat with very little changes in topography.

3. **There is sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:**

A Variance is requested by the landowner to allow the construction of an accessory structure to store and maintain antique cars on the property.

4. **There is sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:**

The development is **NOT** consistent with the area and is **NOT** in harmony with the general purpose and intent of this Ordinance.

5. **There is sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:**

There is evidence that the granting of this variance would harm public safety & welfare, as based on the original subdivision plat of the property, there are utility easements in the exact location where the proposed construction would take place.

Options:

The Board's Authority: The board has the authority to approve or deny the request and must base its decision on the answers to the following five required findings of fact:

If a member believes that the evidence presented is substantial, competent, and sufficient to meet the required findings of fact then the member may make a motion to approve the variance and the members must state all of the following

five findings of fact along with the evidence that was presented to satisfy each finding.

If the members cannot find specific supporting facts under all five findings of fact, the members must consider a motion of denial. A motion of denial should indicate which of the five (5) of the findings of fact cannot be met.

The board can also place reasonable conditions on any variance approval.

If a member wishes to make a motion to approve the variance they should make a brief statement that recaps the evidence showing each of the five findings of fact. Any discussion by the Board following a motion may include a recap of the evidence supporting each of the five (5) factual findings.

Possible Motions and Factual Findings:

Motion to approve the variance(s) as requested for the construction of an accessory building that will be greater than permitted by the UDO, in a Single Family Residential zoning district.

Findings of Fact Required to Approve this Request:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

5. In the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:

Motion to approve the variance(s) but with added conditions for the construction of an accessory building that will be greater than permitted by the UDO, in a Single Family Residential zoning district.

Findings of Fact Required to Approve this Request:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

5. In the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:

Motion to deny the variance(s), thus requiring the construction of the accessory building to comply with the setback set by the ordinance.

Findings of Fact Statements Required to Deny this Request:

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

2. There is not sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:

3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:

Recommended Action:

The Planning staff recommends that the Zoning Commission move to DENY the Variance request as described above located in the Single-Family Residential 10 (SF-10) Zoning District and because finding(s) 1-5 appear to have not been met with the evidence currently submitted.

Should the Zoning Commission vote to approve this request, Planning Staff will recommend a text amendment for lots greater than one acre within this zoning district.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Plan
6. Subject Property Photos
7. Surrounding Property Photos

Project Overview

#383272

Project Title: Bobby & Sue Jorden

Application Type: 5.4) Variance

Workflow: Staff Review

Jurisdiction: City of Fayetteville

State: NC

County: Cumberland

Project Location

Project Address or PIN: 6884 FAMILY ST (9497-65-7295-)

GIS Verified Data

Property Owner: Parcel

- 6884 FAMILY ST: JORDAN, SUE ANN JONES

Zoning District:

Fire District:

Hospital Overlay District:

Cape Fear District:

Haymount Historic District:

100 Year Flood:

Watershed:

Acreage: Parcel

- 6884 FAMILY ST: 2.96

Subdivision Name: Parcel

- 6884 FAMILY ST: NOT APPLICABLE

Airport Overlay District:

Coliseum Tourism District:

Downtown Historic District:

Floodway:

500 Year Flood:

Variance Request Information

Requested Variances: variance

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.: 2.93 acres site, build a 60 x 40 building in a SF-10 zoning larger than allowed.

Section of the City Code from which the variance is being requested.: 30-3

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.: SF-10 zoning exist use single family homes on all adjacent property, except east of site zoning is MR-5

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that all of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
3. The Variance is the minimum action that will make possible a reasonable use of land or structures;

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
5. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Provide a written description of any hardship(s) and how such hardship(s) is not self-imposed.: the size required by present zoning is not sufficient to store and maintain antique and show automobiles owned by property owner. The required size for SF-10 is not adequate and would require multiple buildings.

Indicate if the property has exceptional topographic conditions or some other extraordinary situation or condition that makes it unlike other properties in the immediate vicinity.: the property is flat with very little change in topography, as is all the surrounding property.

Is there some particular condition, situation, or development on the property immediately adjacent to the subject property that affects the subject property's ability to comply with the regulations?: none.

Describe how the variance is in harmony with the general purpose and intent of the City Code, and preserves the spirit.:
The proposed variance would allow property owner to maintain the balance of a brick home and wood outbuildings, one of which is existing and the new building would be in keeping with the already in place smaller wood building and allow the future removal of some of the existing smaller metal buildings. This would keep intact the intent of the City Code and a balance appearance to the neighborhood.

Explain any potential negative external impacts that may result from the proposed variance, and how they will be mitigated. Financial hardship cannot be considered for a reason to grant a variance.: There should not be any negative impact on this site, the requested larger building would allow the owners use of another building without planning future need for anyother buildings.

Height of Sign Face : 0

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Project Contact - Agent/Representative

Wyman Nichols
Nichold Building LLC
1010 Cedar Creek Road
Fayetteville, NC 28312
P:910-323-1944
F:910-323-9876
nicbldgs@earthlink.net

Project Owner

Bobby & Sue Jorden

6884 Family Street
Fayetteville, NC 28314
P:910-864-1791
bobbyhjordan@gmail.com

Indicate which of the following project contacts should be included on this project: Contractor, Surveyor

Project Contact - Primary Point of Contact for the Contractor

Wyman Nichols
Nichold Building LLC
1010 Cedar Creek Road

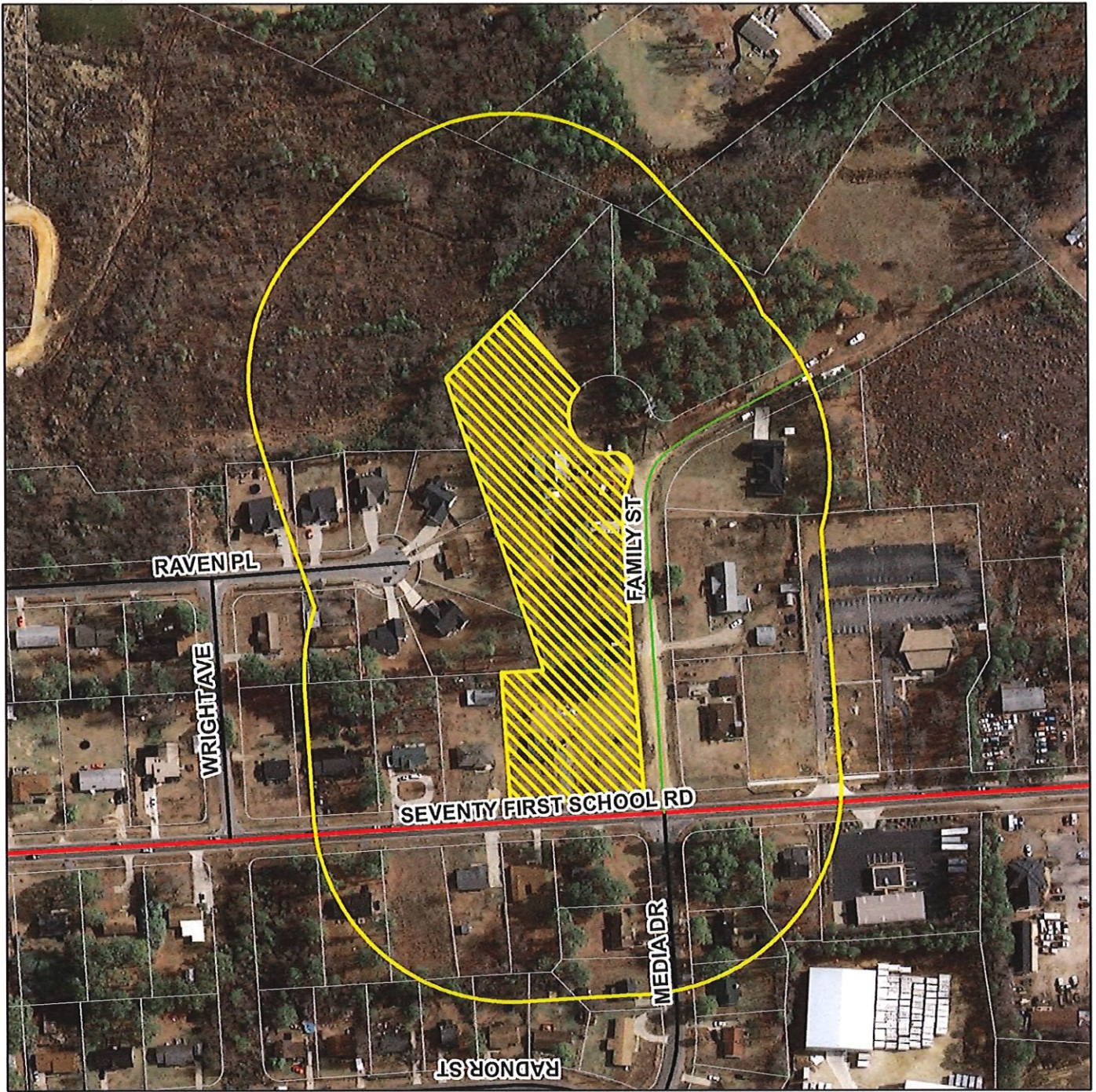
NC State License Number: 57077

Fayetteville, NC 28312
P:910-323-1944
F:910-323-9876
nicbldgs@earthlink.net

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for the Surveyor
Bobby & Sue Jorden

6884 Family Street
Fayetteville, NC 28314
P:910-864-1791
bobbyhjordan@gmail.com



Aerial Notification Map

Zoning Commission
08/11/2020

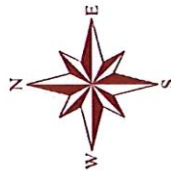
Case #: A20-21F

Request:
Variance
Accessory building
larger than permitted

Location:
6884 Family St

Pin:
9497-65-7295

Acreage:
2.96 acres



Legend



Zoning Map

Zoning Commission
08/11/2020

Case #: A20-21F

Request:

Variance
Accessory building
larger than permitted

Location:

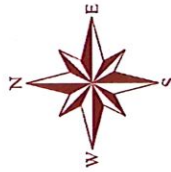
6884 Family St

Pin:

9497-65-7295

Acreage:

2.96 acres



Legend



A20-21F

Zoning Map

HI - Heavy Industrial

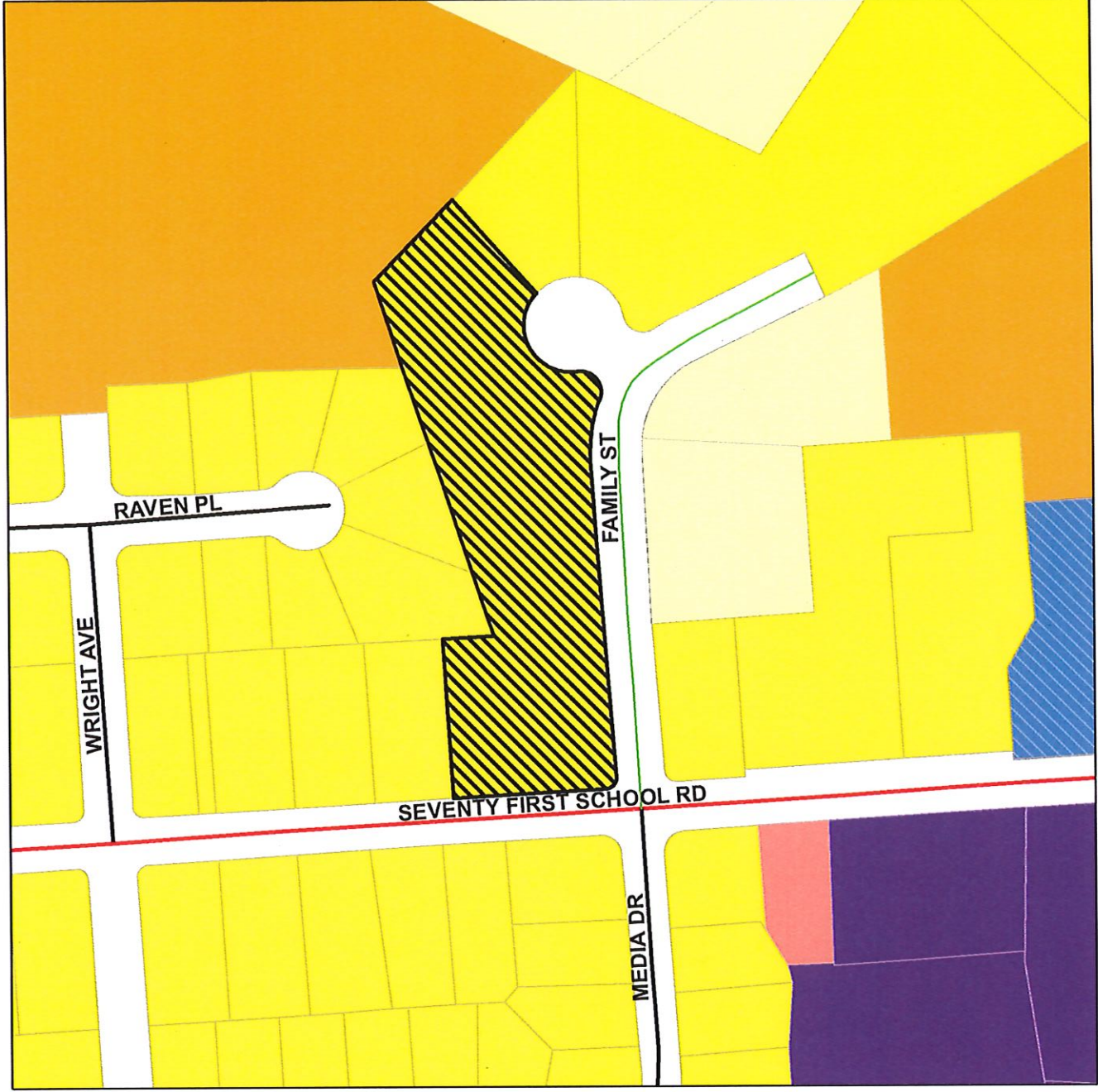
LC - Limited Commercial

MR-5 - Mixed Residential 5

OI/CZ - Conditional Office & Institutional

SF-6 - Single-Family Residential 6

SF-10 - Single-Family Residential 10



City of
Fayetteville
North Carolina
PLANNING

Land Use Map

Zoning Commission
08/11/2020

Case #: A20-21F

Request:

Variance
Accessory building
larger than permitted

Location:

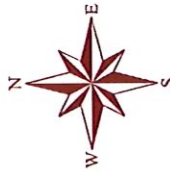
6884 Family St

Pin:

9497-65-7295

Acreage:

2.96 acres



Legend



A20-21F

Future Land Use 2040

Character Areas

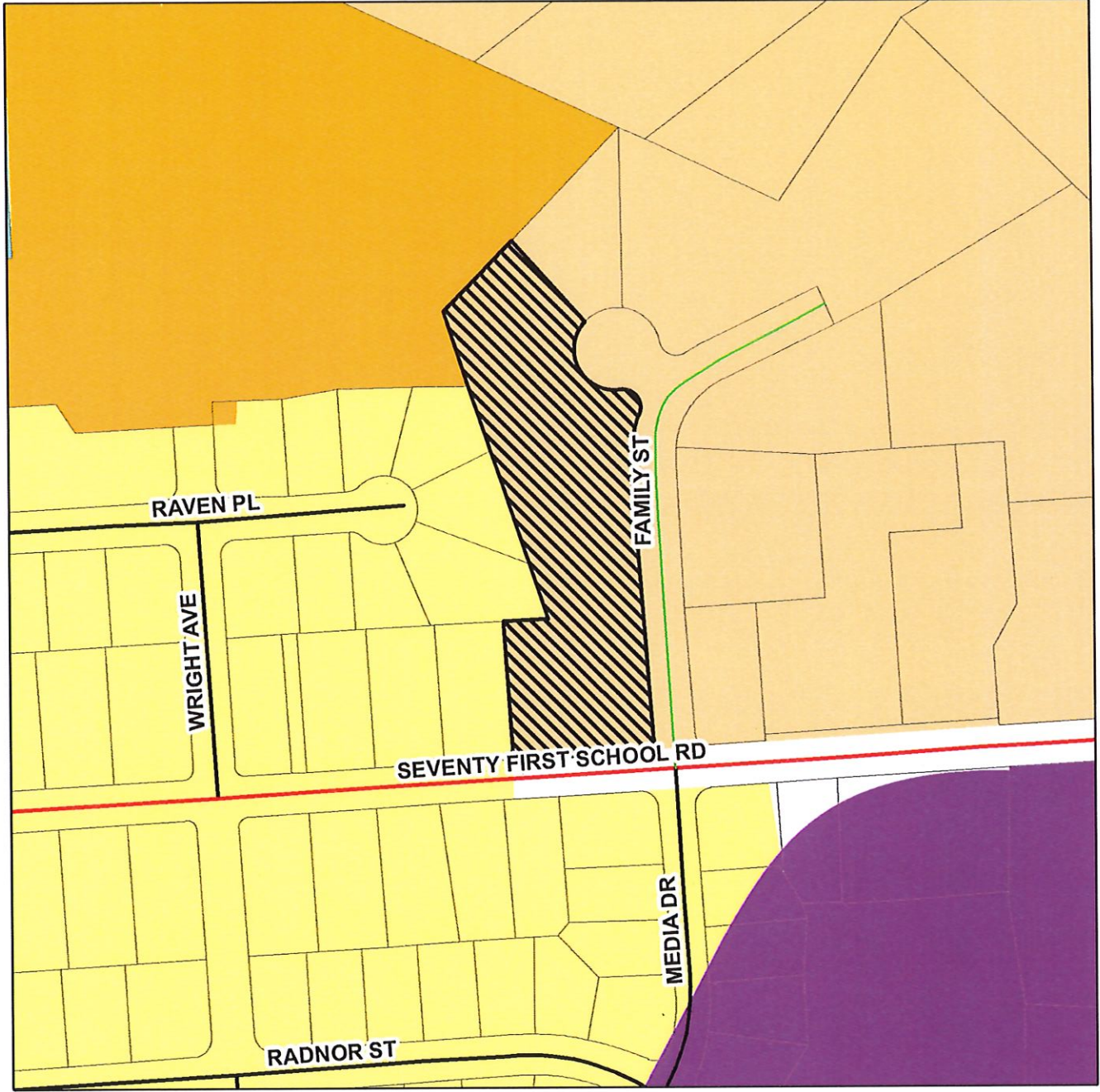
LDR - LOW DENSITY

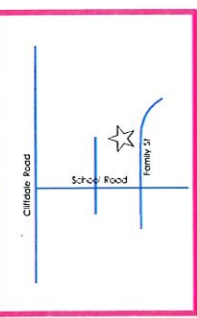
MDR - MEDIUM DENSITY

HDR - HIGH DENSITY RESIDENTIAL

OI - OFFICE / INSTITUTIONAL

EC - EMPLOYMENT CENTER





George L. Lott, PLS L91379
March 23, 2020

George L. Lott Professional
Land Surveyor
126 Rowland Circle, Fayetteville, N.C. 28301
Phone: (910) 494-2778 email: glott@ncrs.com

bioRxiv preprint doi: <https://doi.org/10.1101/000000>; this version posted January 1, 2016. The copyright holder for this preprint (which was not certified by peer review) is the author/funder, who has granted bioRxiv a license to display the preprint in perpetuity. It is made available under aCC-BY-NC-ND 4.0 International license.

Bobby & Sue Jorden

Cross Creek Township

Cumberland County

North Carolina

Scale 1" = 50'

March 2020



Subject Property



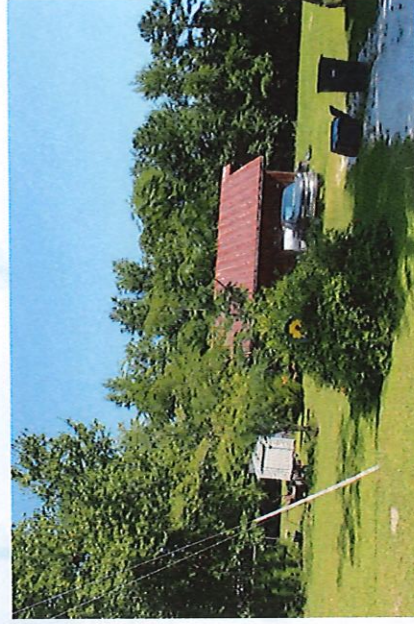
West



Center 1



East



Center 2

Adjacent Properties



South East



South West

South



P20-26F. The request is for a Special Use Permit to allow the construction of a four unit townhome, zoned as Single-Family 6 (SF-6), located at 600 & 602 Roxie Avenue (Tax Map # 0416-78-5714 & 0416-78-5616), totaling .48 acres ± and being the property of Wayside Investments, LLC, represented by Scott Brown.
(Jennifer Baptiste)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members
THRU: Taurus Freeman – Planning & Zoning Divisional Manager
FROM: Jennifer C. Baptiste, CFM – Senior Planner
DATE: August 11, 2020

RE:

P20-26F. The request is for a Special Use Permit to allow the construction of a four unit townhome, zoned as Single-Family 6 (SF-6), located at 600 & 602 Roxie Avenue (Tax Map # 0416-78-5714 & 0416-78-5616), totaling .48 acres ± and being the property of Wayside Investments, LLC, represented by Scott Brown.

COUNCIL DISTRICT(S):

5 – Johnny Dawkins

Relationship to Strategic Plan:

2030 Goals, Goal IV: Desirable Place to Live, Work and Recreate

Objective E: To provide high quality affordable housing that revitalizes neighborhoods.

Executive Summary:

The applicant is requesting that a Special Use Permit be issued to allow the construction of a four unit townhome development. The site is currently vacant.

Background:

Owners: Wayside Investments, LLC. – Shaun Harrell

Applicant: Scott Brown of 4D Site Solutions, Inc.

Requested Action: SUP

Properties Addresses: 600 & 602 Roxie Avenue

Council District: 5 – Johnny Dawkins

Status of Properties: Cleared but undeveloped

Size: 0.48 acres +/-

Adjoining Land Use & Zoning:

- North – SF-10: Single-Family Residential Homes
- South – SF-10: Single-Family Residential Homes
- West – SF-10: Single-Family Residential Homes
- East – SF-10: Single-Family Residential Homes

Letters Mailed: 66

Land Use Plan: Medium Density

Additional Reviews:

Technical Review Committee (TRC) – A preliminary review was conducted on May 6, 2020 as part of the Special Use Permit application process. The applicant received comments. Issuance of stormwater/drainage and driveway permits must occur prior to the issuance of the building permit. A full TRC review will be conducted if the Special Use Permit is approved.

Issues/Analysis:

History

These parcels were initially heard for rezoning from Single-Family Residential 10 (SF-10) to Single-Family Residential 6 (SF-6) by the Zoning Commission on April 9, 2019 and approved by City Council on May 28, 2019.

According to the application and staff report filed for the rezoning case, P19-15F, a rezoning was requested to allow for smaller lots and with a Special Use Permit (SUP) multi-family development. Under the SF-10 zoning district, the combined site would be limited to two units. However, the SF-6 zoning district would allow up to four units on the combined sites.

Surrounding Area

The entire area directly adjacent to the subject parcels are Single-Family Residential structures. Although the area is dominated by single-family uses, the area has a variety of housing accommodations with some homes owner occupied and others as rental units.

Special Use Permit Request

The request is to allow the construction a four (4) townhome development on a lot. The property rezoned from Single-Family 10 (SF-10) to Single-Family 6 (SF-6) in 2019 for the purpose of a townhome development. Under the standards of the UDO, townhomes are considered as Dwelling, single-family attached.

Currently, the site has two lots, but if the request is approved, each townhome will be platted as separate lots. The area outside of the townhomes will be platted as open space or common area. The lot, as a whole, will have front yard setbacks from both Hanna Street and Roxie Avenue of 25-feet, a 15-foot rear yard setback, and a 10-foot side yard setback. The site is designed with both the building façade and parking facing Roxie Avenue.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

The SUP must meet the following findings of facts:

(1) The special use complies with all applicable standards in Section 30-5., Use-Specific Standards;

According to Section 30-5.H *Dwelling, single-family attached* – Multi-Family Design Standards:

These multi-family design standards are intended to:

- a. Establish a minimum level of design quality for three- to four-family residential, attached residential, and multi-family development to foster sustained value and stability within developments and neighborhoods; and
- b. Promote greater compatibility between three- to four-family residential, attached residential, and multi-family development and other allowed uses in the City through standards addressing building size and appearances, as well as off-street parking.

Although there are additional standards identified under Section 30-5.H.2, letter c. under this section states "standards shall not apply to multi-family development consisting of single-family attached structures (townhomes).

- (2) **The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;**

Although the immediate area does not have any multi-family dwellings, the area does have a fair number of single-family homes being used as rental properties.

- (3) **The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;**

The preliminary site plan meets all the conditions of the UDO. Further review of the site will be completed during the review process.

- (4) **The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;**

The proposed site plan demonstrates how this property will be developed expanded, the access point, parking, and landscaping.

- (5) **The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;**

This property will be developed in accordance with the current standards identified in the UDO. Furthermore, the site will be evaluated by the Technical Review Committee prior to any building permit issuance.

- (6) **The special use maintains safe ingress and egress onto the site and safe road conditions around the site;**

The ingress/egress point will be evaluated by the proper local and state offices for safety measures.

- (7) **The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and**

This site is consistent with the overall area. No documentation has been submitted showing that property values would be negatively affected.

- (8) **The Special use complies with all other relevant City, State, and Federal laws and regulations.**

The applicant will be required to meet all applicable standards.

Planning Staff recommends **Approval** of the proposed SUP based on:

- This proposed SUP implements the policies adopted in the Future Land Use Plan and the Unified Development Ordinance;
- The construction of this use is allowed in the Single-Family Residential 6 (SF-6) district and will not detract from the overall area; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

This action should result in no increase in City services.

Options:

- 1) Approval of the SUP with any conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

Planning Staff recommends Approval of the proposed SUP based on:

- This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The development of this use is allowed in the "Single-family Residential 10I" district and will not detract from the overall area;
- The proposed SUP ensures that new development is compatible with the current zoning, UDO, and overall growth pattern of the area;
- The utilization of an existing previously developed site; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

This action should result in no increase in City services.

Recommended Action:

The Staff recommends that the Zoning Commission recommend approval of the requested Special Use Permit (SUP) to construct a four unit townhome development on the parcels currently zoned Single-Family Residential 10 (SF-10), as presented by Staff and based on the information provided above and all attachments.

- The SUP is consistent with applicable plans because: 1) the City's Unified Development Ordinance and 2040 Future Land Use Plan both support this type of business in this location; 2) the uses surrounding this property are a mix of uses which are compatible with the proposed SUP; and 3) the proposed SUP is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

Options:

- 1) Approval of the SUP with any conditions listed above (Recommended);
- 2) Approval of the SUP with additional conditions;
- 3) Approval of the SUP without conditions; or

4) Denial of the SUP.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Site Plan

Project Overview

#397269

Project Title: Roxie Avenue Townhomes
Application Type: 5.3) Special Use Plan Review
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN:

- 602 ROXIE AVE (0416-78-5616-)
- 600 ROXIE AVE (0416-78-5714-)

GIS Verified Data

Property Owner: Parcel

- 602 ROXIE AVE: WAYSIDE INVESTMENTS LLC
- 600 ROXIE AVE: WAYSIDE INVESTMENTS LLC

Acreage: Parcel

- 602 ROXIE AVE: 0.24
- 600 ROXIE AVE: 0.24

Zoning District:

Subdivision Name: Parcel

- 602 ROXIE AVE: ROXANNA WILLIAMS
- 600 ROXIE AVE: ROXANNA WILLIAMS

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood:

500 Year Flood:

Watershed:

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:
Special use is required with multifamily is SF-6 zoning. We are proposing 4 townhomes on the property.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.: Property is zoned SF-6. The surrounding zoning is SF-10.

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.: The special use is in compliance with the UDO. The site plan has been submitted to TRC for review.

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.: The existing zoning is SF-6. SF-6 allows for multifamily but requires a special use permit. We are proposing 4 townhomes on the property. The surrounding property is developed as single family residential. The townhomes will be compatible with the surrounding development.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.: The special use is for residential townhomes. The impact on the surrounding lands will be typical of the existing homes in the area.

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.: The development will meet the landscape and buffer requirements of the UDO. The structure will also meet the UDO standards.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.: The four townhomes will have minimum effect on natural resources. The development will be on two lots in an existing subdivision that haven't been built on.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.: The four townhomes will not generate a lot of traffic. The access will be to Roxie Avenue per the Fayetteville driveway standards.

Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.: The surrounding property is developed as a single family residential neighborhood. No negative impacts to the surrounding property values are anticipated with the proposed development.

The special use complies with all other relevant City, State, and Federal laws and regulations.: The special use will be in compliance with the UDO and other state and federal regulations.

Primary Contact Information

Project Contact - Agent/Representative

Scott Brown
4D Site Solutions, Inc
409 Chicago Drive, Suite 112
Fayetteville, NC 28306
P:(910) 4266777
sbrown@4dsitesolutions.com

Project Owner

Shaun Harrell
Wayside Investments, LLC
103 Midway Drive
Raeford, NC 28376
P:910-263-2945
F:910-875-1196
shaunharrell79@aol.com

Indicate which of the following project contacts should be included on this project: Engineer

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for Engineer

Scott Brown
4D Site Solutions, Inc
409 Chicago Drive, Suite 112
Fayetteville, NC 28306
P:(910) 4266777
sbrown@4dsitesolutions.com

Aerial Notification Map

Zoning Commission

08/11/2020

Case #: P20-26F

Request:

Special Use Permit

Location:

600 & 602 Roxie Avenue

Pins:

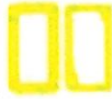
0416-78-5714 & 0416-78-5616

Acreage:

0.48 acres



Legend



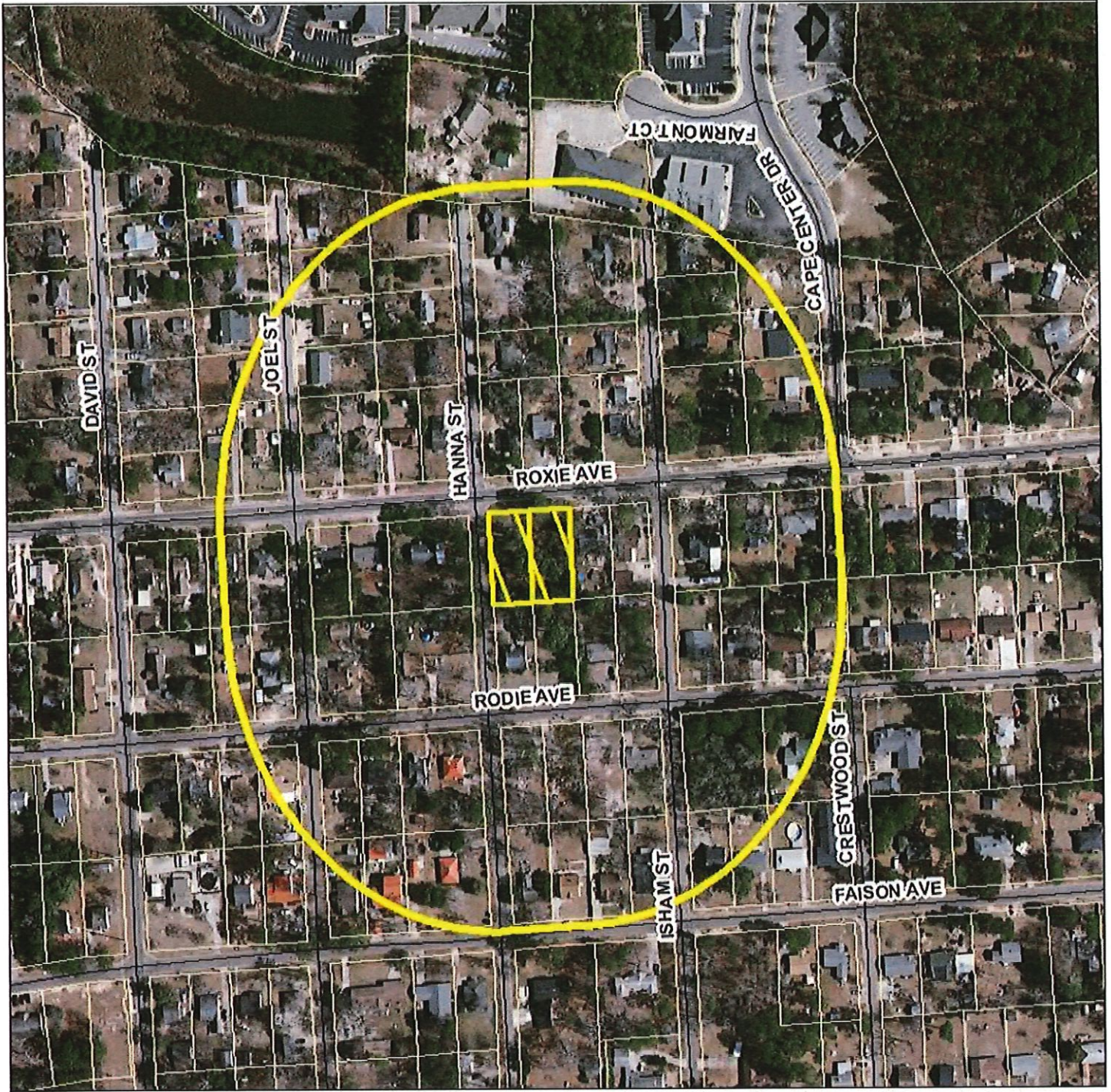
Buffer

P20-26F

Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



Zoning Map

Zoning Commission
08/11/2020
Case #: P20-26F

Request:
Special Use Permit

Location:
600 & 602 Roxie Avenue

Pin:
0416-78-5714 & 0416-78-5616

Acreage:
0.48 acres



- SF-6 Single Family Residential 6
- SF-10 - Single-Family Residential 10

City of
Fayetteville
North Carolina
PLANNING



Land Use Map

Zoning Commission
08/11/20220
Case #: P20-26F

Request:
Special Use Permit

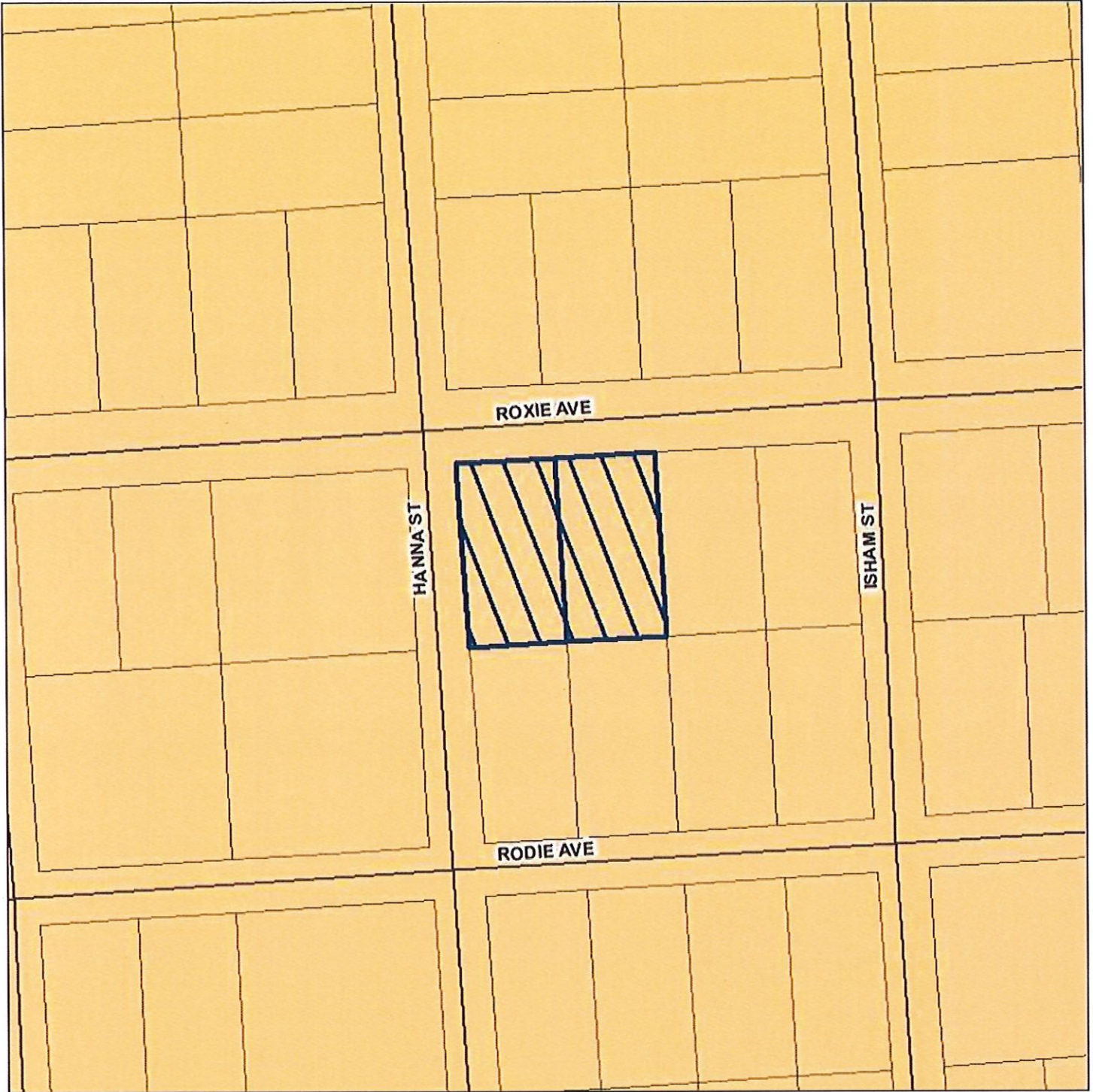
Location:
600 & 602 Roxie Avenue

Pin:
0416-78-5714 & 0416-78-5616

Acreage:
0.48 acres



- Legend
- Parcel selection
 - FayFLU Thematic
 - FUTURE LAND USE
 - MDR - MEDIUM DENSITY



Subject Properties



